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10/527,235	11/30/2005	Majid Shahbazi	039996-001000	9977
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NIXON PEABODY, LLP			NOBAHAR, ABDULHAKIM	
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SUITE 900				2432
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,235	<b>Applicant(s)</b> SHAHBAZI, MAJID
	<b>Examiner</b> ABDULHAKIM NOBAHAR	<b>Art Unit</b> 2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 11 December 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 33-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 33-61 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/DP/0656)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to applicant's amendment filed on 12/11/2008.
2. Claims 33-61 are pending.
4. Claims 33 and 47 are amended.
5. Applicant's arguments with respect to the rejections of claims 33 and 47 under 35 USC § 103 have been fully considered but they are not persuasive.

**Response to Arguments**

1. Applicant on pages 8 through 11 of the remarks argues that none of the prior arts Sharma, Albert and Nordstrom disclose a system to discover mobile devices. In particular, on page 10, applicant argue that "as with Sharma and Albert, there is no suggestion whatsoever in Nordstrom to detect, using a discovery program, one or more mobile devices on the network that are connected to the computing node, and detect, using a discovery program, one or more mobile devices on the network that were previously, but are not currently, connected to the computing node, as is recited in the claims. Accordingly, Nordstrom's teachings do not remedy at least the above-stated deficiencies of Sharma and Albert."

Examiner respectfully disagrees and asserts that Sharma discloses systems and methods of providing mobile network management of assets on a network (see paragraph [0010]). Sharma further with respect to the assets of a managed network discloses:

"A distributor might also remotely manage a customer's network that has a variety of optical, wireless, data, and voice network devices and media on it, for example. See the end of Para. [0004];"

"These assets may include, for example, the network assets 116, 118, 120, network assets in a PAN, for example a wireless PAN, or any combination of network assets as suitable. See the end of Para. [0037];"

"that are shown as distinct network assets but may be physically connected to each other or connected by wireless connections as suitable...The system 100 is not limited to these specific devices, however, and any of a wide variety of suitable network assets can be managed by the system 100 and the embodiments described herein and may be used as suitable, See Para. [0048]; and

"The network assets can themselves be wireless devices, for example a Wireless Ethernet Hub for a local area network (LAN)... In a preferred embodiment, the network being managed is a cellular network. Those skilled in the art will understand that the term network asset broadly refers to a wide variety of devices, and links and that these devices and links would be useful in a wide variety of applications. See Para. [0048]."

The above disclosures indicate that the system of Sharma can manage assets that are not only physically connected to a managed network but also can manage (e.g. discover; see paragraphs [0061]-[0066], where the NMS 400 which corresponds to the recited computing node in the claims 33 and 47 discovers assets present on the network) assets that are either wireless or cellular which they correspond to the recited mobile devices in claims 33 and 47, because wireless and cellular devices are not

stationary in a fixed location but they can be moved from one location to another location and be connected to the network.

Nordstrom discloses a method and system for dynamically informing an OS of a distributed computer system, when a (new) device is added on the network. The invention is thus applicable to a distributed computing system, such as a system area network, having end nodes, switches, and routers, and links interconnecting these components (see, e.g., col. 1, lines 61-67) and its subnet manager periodically sweeps the network to search for and discover new components (see, e.g., col. 2, lines 18-21). Nordstrom further discloses that his invention is also applicable to discovery of previously connected devices (corresponding to the recited detect mobile devices that were previously on the network) that were in the OS database but have been removed from the network for one reason or another (corresponding to the recited but are not currently, connected to the computing node) (see, e.g., col. 2, lines 65-67). Therefore, Nordstrom discloses an invention that "detects mobile devices on the network that were previously, but are not currently, connected to the computing node."

Therefore, combination of Sharma and Nordstrom teachings meet the abovementioned two limitations of claims 33 and 47, namely detecting mobile devices currently connected to a network and mobile devices that have previously been connected to the network.

2. Examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims 33 and 47 as follows:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 33-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al (2002/0068559 A1; hereinafter Sharma) in view of Albert et al (2003/0177389 A1; hereinafter Albert) and further in view of Nordstrom et al (7,136,907 B1; hereinafter Nordstrom).**

Regarding claims 33 and 47, Sharma discloses:

A method for managing a computer system on a network, the computer system including a computing node located on the network side of a network connection on the network and one or more mobile devices located on a user's side of the network connection on the network (see, for example, abstract; [0010]-[0012]), comprising:

Detecting, using a discovery program, one or more mobile devices on the network that are connected to the computing node (see, for example, [0061]-[0062]; [0066]-[0067]);

determining information regarding one or more mobile devices based on at least one of a registry resource, a file resource, a process resource, a network management parameter, a data format, a packet format, a synchronization log entry, a directory

Art Unit: 2432

structure, a database entry, the presence of an executable program and attributes associated with a mobile device or resource (see, for example, [0020]; [0039]; [0047]; [0064]).

Sharma, however, does not expressly disclose:

using the determined mobile device information for managing security of the computer system from the network side of the network connection.

Albert discloses:

using the determined mobile device information to manage security of the computer system from the network side of the network connection (see, for example, Figs. 3 & 4; [0024]; [0071]-[0072]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement in the system of Sharma, a mechanism to use the information of a mobile device connecting to the network to manage the security of a computer system as taught in Albert, because it would be helpful to regulate access to a computer system (Albert, [0024]).

Sharma in view of Albert does not expressly disclose that detecting, using a discovery program, one or more mobile devices on the network that were previously, but are not currently, connected to the computing node.

Nordstrom discloses a system for dynamically informing an operating system of a distributed computer system, when a (new) device is added on the network (col. 1, lines 60-67; col. 2, lines 18-21). Nordstrom also discloses that the invented system is capable

Art Unit: 2432

of discovering a device that has previously been connected to the network (col. 2, lines 60-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement in the system of Sharma in view of Albert, a scheme to also detect the devices that have been connected to network previously as taught in Nordstrom, because the information about the devices that have been connected to the network at a time period in the past could be used in the evaluation and management of the computing system security.

Regarding claims 34 and 48, Sharma discloses:

The method of claim 33 further including scanning the computer system based on a scan profile to detect the one or more mobile devices (see, for example, [0021], where the configuration data corresponds to the recited profile; [0027]; [0113]).

Regarding claims 35 and 49, Sharma discloses:

The method of claim 33, wherein the discovery program is run in at least one of a remote central station or a local computing node (see, for example, [0010]; [0091]).

Regarding claims 36 and 50, Sharma discloses:

The method of claim 33 further including grouping the located mobile devices or resources by type and other attribute (see, for example, [0059]; [0062]).

Regarding claims 37 and 51, Sharma discloses:

The method of claim 34, wherein the scan profile contains information regarding at least one of network, domain, IP address, netmask, and computer identity to be scanned, time of synchronization and device connection (see, for example, [0076]).

Regarding claims 38 and 52, Sharma discloses:

The method of claim 34, wherein the scan profile contains information regarding at least one of network, domain, IP address, netmask, and computer identity not to be scanned (see, for example, [0076]; [0090]; [0140]-[0141]).

Regarding claims 39 and 53, Sharma discloses:

The method of claim 34, wherein the results of scanning are analyzed and populated and stored and displayed to the users (see, for example, [0022]; [0034]; [0059]).

Regarding claims 40 an 54, Sharma discloses:

The method of claim 33, wherein the gather mobile device information include at least one of device type, device identity, synchronization software type, synchronization software availability, synchronization software location, synchronization software version number, previous synchronization information, data and time of last synchronization, the type of device used during previous synchronization, synchronization ID, device owner information, type of applications and files installed or

Art Unit: 2432

used on the mobile device, file size, file name, file attribute, manufacturer information, time of all completed and incomplete synchronization and data access and connections performed, type of data and information transferred to and from a mobile device and a resource (see, for example, [0022]; [0030]; [0038]; [0059]; [0090]).

Regarding claims 41, 42, 55 and 56, Sharma discloses:

The method of claim 33, further comprising at least one of locking and denying access to an unauthorized mobile device attempting to access the computer system (see, for example, [0007], lines 18-20; [0010]; [0024], where management of assets and devices implies that the security system also would block an unauthorized device(s) to connect to the network as it is a well known practice in the art; [0065]).

Regarding claims 43, 44 and 57-59, Sharma discloses:

The method of claim 42, wherein the locking step comprises transmitting security software to the mobile device (see [0004]; [0022]; [0044]; [0063]).

Regarding claims 45 and 60, Sharma discloses:

The method of claim 33, wherein the discovery program is run locally at the computing node (see [0027]; [0033]).

Regarding claims 46 and 61, Sharma discloses:

The method of claim 33, wherein the step of running the discovery program results in detection of at least one of a device type, connection profile, or location of at least one of the mobile devices and resource devices (see [0022]; [0058]; [0059]).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULHAKIM NOBAHAR whose telephone number is (571)272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 15, 2008

/Abdulhakim Nobahar/  
Examiner, Art Unit 2432